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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,914	06/26/2001	Masato Anzai	JP920000178US1	8306

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EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2674

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,914

Applicant(s)

ANZAI ET AL

Examiner

Kimnhung Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Supplemental Appeal Brief filed 1/13/05.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Supplemental Appeal Brief filed on 1-13-05, PROSECUTION IS HEREBY REOPENED. A new ground rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. This application has been examined. The claims 1-7 and 9-13 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 7, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hildebrant (US 6,464,195).

Regarding claims 1, and 7, Hildebrant discloses in figures 7A-7C, that a display device comprising a pedestal having a planar pedestal main body (24) and a planar arm portion (22) that is arranged in a standing manner at a specified angle to said pedestal main body; and a display portion (23) being installed swingably to said the arm (22) and having an image display portion ; and wherein the swinging angle of said display portion can be optimally set when the center of gravity of said display portion is within a projection surface area of the pedestal, and wherein said pedestal main body (24) and said arm portion (22) can be positioned in the same plane for unifying said pedestal main body with said arm portion to cover said image display portion (see figs 7A-7C, see col. 8, lines 35-55).

Regarding claim 2, Hildebrant further discloses that the pedestal main body (24) and arm portion (22) are the same plane (when the computer notebook is closed), and includes the approximate same surface area as display portion (23).

Regarding claim 3, Hildebrant further discloses in figure 7A-7C that a display portion (23) having an image display portion for displaying an image based on inputted data, and a planar protective portion (22) rotatably installed to the display portion around a display portion around a peripheral portion thereof as rotation axis and parallelly opposed to said display portion to cover said image display portion, wherein a first section of said planar protective portion (24) opposing said display portion (23) functions as a pedestal for supporting said display portion (23) includes an arm (22) connected between said first section and said display portion (23), wherein a second section and capable of being arranged at an angle with respect to the first section for fixing the display portion in a

desired, and wherein a first section and the second section can be unified to constitute one plane when the notebook computer is closed (see fig. 7A).

Regarding claim 9, Hildebrant discloses further a display device in fig. 7a-7C that the surface area of said supporting portion when the arm (22) and the pedestal (24) are unified with each other in the same plane is equal to the surface area of said image display portion.

5. Claims 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Brocklin et al. (US 6,266,241).

Van Brocklin et al. discloses in figure 1C that an angle adjusting device comprising a pedestal (50) that becomes a reference of the angle adjusting and an arm (112) that is provided for said pedestal so as to be rotatable in a specified angle range and has an engaging portion (114), and a stopper (110), which performs a rotation action by following the rotation action of said arm and that includes an engaging surface to engage said arm (112), wherein said engaging surface includes a plurality of areas (116) for engaging said engaging portion to fix the arm at a plurality of angles with respect to the pedestal (see column 3, lines 51-60).

Regarding claim 11, Van Brocklin et al. discloses in fig. 1C that the angle adjusting device further comprising an engagement (114) of the arm (112) with the stopper is released while said arm rotates.

6. Claims 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim (US patent 6,498,721).

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Regarding claim 13, Kim discloses in figure 5 that an angle adjusting device in which a second member (12) supports a first member (26) at an optimum angle comprising a pedestal (11) that becomes a reference of the angle adjustment, the first member that is retractably arranged around a first rotation axis (horizontal axis) provided on the pedestal (22), and said second member (12) that is rotatably arranged around a second rotation axis (vertical axis 23) and a portion of the second member (12) is positioned above said first member (26) (see column 2, lines 68-67), wherein rotation of said second member around the second rotation axis is caused by rotation of said first member around said first rotation axis (because the first member 26 and the second member 12, figure 6, and first member and first axis 13, figure 6) would perform as function of rotating of second member (cover 12, figure 6) around the second axis 23, figure 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrant (US 6,464,195)

Hildebrant does not disclose further that the thickness of said planar protective portion is thinner than the thickness of the display portion or the protective portion is lighter than the weight of said display portion.

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It would have been obvious to one of ordinary skilled in the art at the time the invention was made to have the thickness of the planar protective portion thinner than the thickness of the display portion or the protective portion lighter than the weight of said display portion in Hildebrandt's display since such a modification would have involved a mere change in the weight of a system. A change in weight is generally recognized as being within the level of ordinary skill in the art.

See *In re Rose*, 105 USPQ 237 (CCPA 1995) and

See *In re Reven*, 156 USPQ 679 (CCPA 1968).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hildebrandt (US 6,464,195) in view of Lin (US 6,493,216).

Hildebrandt does not disclose further that the first section of said planar protective portion functions as the pedestal by rotating for 270 degrees or more from the state in which the planar protective portion covers said image display portion by parallelly opposing said display portion. Lin discloses a planar protective portion function as pedestal by rotating for 270 degrees or more, and parallel opposing to the display portion (see portable computer which can be rotated within 360 degree, see the title of the invention). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teachings of using pedestal by rotating for 270 degrees or more, and parallel opposing to the display portion as taught by Lin into the system of Hildebrandt because this would provide a plurality of view angles of the display portion.

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10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Brocklin et al. (US patent 6,266,241).

Van Brocklin et al. discloses in figure 1C, an angle adjusting device comprising a pedestal (50) that becomes a reference of the angle adjusting and an arm (112) that is provided for said pedestal so as to be rotatable in a specified angle range and has an engaging portion (114), and a stopper (110), which performs a rotation action by following the rotation action of said arm and that includes an engaging surface to engage said arm (112), wherein said engaging surface includes a plurality of areas (116) for engaging said engaging portion to fix the arm at a plurality of angles with respect to the pedestal (see column 3, lines 51-60). However, Van Brocklin et al. does not disclose that the stopper is made in the shape of a circular, and the thickness of the planar protective portion is thinner than the thickness of the display portion, or the weight of said planar protective portion is lighter than the weight of said display portion. It would have been to one ordinary skilled in the art at the time the invention was made to have the stopper made in the shape of a circular, and the thickness of the planar protective portion thinner than the thickness of the display portion, or the weight of said planar protective portion lighter than the weight of the display portion in Van Brocklin et al.'s display since such a modification would have involved a mere change in the Size/Range/ Weight of a system. A change in Size/Range/Weight is generally recognized as being within the level of ordinary skill in the art.

See In re Rose, 105 USPQ 237 (CCPA 1995) and

See In re Reven, 156 USPQ 679 (CCPA 1968).

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen
May 21, 2005


PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER